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RESOLUTION NO. 12-047

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING THE REPAIR AND UPGRADE OF STORM WATER DRAIN NO. 383 (NORTH OF 37TH ST. NORTH, WEST OF MAIZE) 468-84762 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE REPAIR AND UPGRADE OF STORM WATER DRAIN NO. 383 (NORTH OF 37TH ST. NORTH, WEST OF MAIZE) 468-84762 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 11-120 adopted on May 17, 2011 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to repair and upgrade Storm Water Drain No. 383 (north of 37th St. North, west of Maize) 468-84762.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be One Hundred Eight Thousand Dollars (\$108,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after December 1, 2010, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

HAMPTON SQUARE ADDITION

Lots 1 through 9, Block 1

PRAIRIE POINTE ADDITION

Lots 1 through 10, Block 3

Lots 1 through 12 and 14 through 33, Block 4

Reserve "B"

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 1 and Lot 8, Block 1; HAMPTON SQUARE ADDITION shall each pay 420/10000 of the total cost payable by the improvement district; Lots 2 through 7, Block 1; HAMPTON SQUARE ADDITION shall each pay 140/10000 of the total cost payable by the improvement district; Lot 9, Block 1; HAMPTON SQUARE ADDITION shall pay 1117/10000 of the total cost payable by the improvement district; Lots 1 through 10, Block 3; and Lots 1 through 12, and 14 through 33, Block 4; PRAIRIE POINTE ADDITION shall each pay 149/10000 of the total cost payable by the improvement

district; and RESERVE B; PRAIRIE POINTE ADDITION shall pay 945/10000 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 28th day of February 2012.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY E. REBENSTORF
DIRECTOR OF LAW